(*b*) the estimated cost of the same ;
(*c*) whether the work has been completed ?

A.—Sri ALUR HANUMANTHAPPA (Deputy Minister for Minor Irrigation).

(*a*) During November 1955.
(*b*) Rs. 1.88 lakhs.
(*c*) No.

Number of Teachers of Upper Primary Boys' and Girls' Schools of Gouribidnur Taluk whose Granting of Increments and Allocation of Arrears is Pending.

*Q.—629. Sri R. N. LAKSHMIPATHI (Gouribidanur).—

Will the Government be pleased to state :—

(*a*) the number of teachers of Upper Primary Boys' and Girls' Schools of Gouribidanur Taluk whose granting of increments and their allocation of arrears is still pending ;

(*b*) since how long they are pending ?

A.—Sri S. R. KANTHI (Minister for Education).—

(*a*) Sixteen.

(*b*) Ranging from 1954 to 1961.

MYSORE POLICE BILL, 1962, AS REPORTED BY JOINT SELECT COMMITTEE—CONSIDERATION OF CLAUSES

Mr. SPEAKER.— We will resume Debate on the Mysore Police Bill. Before I call upon anybody, I would like to mention this much. When we were debating clauses 49 to 53, the other day, there was no amendment properly put. The sense of the House was that they were important clauses and that some general debate must be allowed. The time allotted for this Bill is already over and I extend the time by one hour, within which time, we have to finish also the third reading of the Bill. For this, I think, another fifteen minutes would suffice. Then I will call upon the Minister to reply to these clauses. And then we will go amendment by amendment.

†Sri V. S. PATIL (Belgaum I).—Clauses 55, 56 and 57 are also very controversial. They relate to the externment of persons by the executive. Members would like to speak on these clauses. These provisions are also very important and most of the Members will require some time. These are the only important clauses.

Mr. SPEAKER.—Most of the Members may not have chance to speak. Only a few may get a chance. We cannot spend so much time. We may spend 20 minutes over that.

Sri S. SIVAPPA (Sravanabelagola).—At least there should two hours given to this discussion today. It was agreed and it was decided in the Business Advisory Committee.

Mr. SPEAKER.—It cannot be. It is beyond my capacity to agree for more than one hour. That is why I am saying besides the third reading, fifteen minutes should be more than sufficient for this group namely clauses 49 to 53.

Sri B. R. SUNTHANKAR (Belgaum City).—Mr. Speaker, Sir, these clauses are very controversial and Members from this side have expressed their views opposing these clauses. Sir, the arguments put forth by the Hon'ble Minister in defence of these clauses have failed to convince us, because these powers are arbitrary and they are very wide powers to go into the hands of the executive. I fully agree with the Minute of dissent submitted by the three Members of the Joint Select Committee.

As has been said in the minute of dissent, this is an abnoxious piece of legislation, which is not meant for a civilised society. These clauses are a legacy of the British days. The changed situation has not been taken into consideration by the Government. These clauses are not suited to the new situation prevailing in the country. They are not suited to the Welfare State, the democratic set-up and the socialistic pattern of society to which we are pledged by the Constitution. These clauses vest wide and ample powers in the hands of the executive and it is very likely they will be misused and abused. The anxiety of the Home Minister seems to be as to what should be done if a contingency envisaged in these clauses arises. There are ample powers and provisions in this Bill to deal with situations contemplated in this section. The most objectionable part of this clause is that the whole community of the particular area will be treated as criminals for the misdeeds and misbehaviour of a few. Even innocent people, who are usually in very large numbers, will be treated as criminals and will be dealt with severely by the law. This is an attitude of revenge on the part of the Government. It will be a vindictive attitude to punish one and all and such attitude does not become a civilised Government.

It is strange indeed that the municipalities would be entrusted with the task of recovering or collecting the penalty. It is surprising because very often the municipalities find it difficult to collect and recover their own taxes. The Government has to appoint special officers to collect and recover municipal taxes. It will be difficult almost impossible for the municipalites to recover penalties. Besides the municipalities will be allowed an additional sum to meet the collection expenses and this too would be collected from the people. This clause is condemnable and should be deleted.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).— ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ; ಈ ಮಸೂದೆಯಲ್ಲಿಯ 49ನೆಯ ಕಲಮನ್ನು ವಿರೋಧಿಸಿ ಕೆಲವು ವಿಷಯಗಳನ್ನು ತಿಳಿಸಲು ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ನಾನು ಈ ಮೊದಲೇ ಹೇಳಿದ ಹಾಗೆ ಈ ಪೋಲೀಸ್ ಮಸೂದೆಯಲ್ಲಿ ಈ ಕಲಮು ಬಹಳ ಧಾರಾಳವಾದ ಪ್ರಕರಣವೆಂದು-ಹೇಳಬೇಕಾಗಿದೆ. ಇದಕ್ಕೆ ಕಾರಣವೇನೆಂದರೆ ಮೊದಲನೆಯದಾಗಿ ಇರದು ದೇಶದಲ್ಲಿ ಇಂಥಪರಿಸ್ಥಿತಿ ಉಂಟಾಗುವುದು ನಮಗೆ ಕಂಡುಬರುವುದಿಲ್ಲ, ಎರಡನೆಯದಾಗಿ ಪೋಲೀಸರಿಗೆ ಅಧಿಕಾರ ಚಲಾಯಿಸುವುದಕ್ಕೆ ಇಷ್ಟೊಂದು ಅಧಿಕಾರ ಕೊಡಬೇಕೆಂದಿರುವುದು ಸರಿಯಲ್ಲ. ಅಂಥ ಸನ್ನಿವೇಶವೇನಾದರೂ ಉಂಟಾದರೆ ಅದಕ್ಕೆ ತಕ್ಕಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡ್‌ನಲ್ಲಿ ಸಾಕಷ್ಟು ಅನುಕೂಲವಿದೆ. ಮತ್ತು ಅಧಿಕಾರವೂ ಇದೆ. ಮಾನ್ಯ ನಚ್ಚಪ್ಪರು ಒಂದು ವಿಷಯವನ್ನು ಹೇಳಿದರು. ಎಲ್ಲಿ ಪ್ರಕ್ಷುಬ್ಧ ವಾತಾವರಣ ಇರುತ್ತದೆಯೋ ಅಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಪೋಲೀಸ ಪಡೆಇಟ್ಟು ಅದಕ್ಕಾಗಿ ಸರಕಾರ ಖರ್ಚುಮಾಡುವ ಹೆಚ್ಚಿನ ಹಣವನ್ನು ಆಯಾಯ ಪ್ರದೇಶದ ಜನರಿಂದ ವಸೂಲ್ಮಾಡುವುದು ಯೋಗ್ಯ ನ್ಯಾಯ ಎಂದು ಹೇಳಿದರು. ಆದರೆ ಇಂಥ ವಿಷಯವನ್ನು ಪರಿಶೀಲನೆಮಾಡಿ ತನಿಖೆಮಾಡಿ ಒಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬರಬೇಕಾಗುತ್ತದೆ. ಇಲ್ಲದಿದ್ದರೆ ಇದರ ಪರಿಣಾಮ ದೂರ ಹೋಗುತ್ತದೆ.

ಇನ್ನೊಂದು ವಿಷಯ ಶ್ರೀಮಾನ್ ನುಂಡಣಕರರವರು ಹೇಳಿದ್ದಾರೆ. ಸರಕಾರ ಈ ರೀತಿ ವಿಧಿಸುವುದನ್ನು ಕಂದಾಯದ ಹಾಗೆ ಪುರಸಭೆ ವಸೂಲ್ಮಾಡದೆ ಹೋದರೆ-ಅವರ ಮೇಲೆ ಒತ್ತಾಯ ತರಬೇಕಾಗುತ್ತದೆಂದು ಅದರಲ್ಲಿ ಇದೆ. ಈ ರೀತಿ ಅವರ ಅಧಿಕಾರ ಅಗಲ ಮಾಡುವುದು ಬಹಳ ದೂರ ಹೋದಂತಾಗುತ್ತದೆ. ಆ ಪ್ರದೇಶದಲ್ಲಿ ಮನೆ ಇದ್ದರೆ ವಾಸಮಾಡುತ್ತಿದ್ದರೆ ಅಂಥವರೆಲ್ಲರೂ ಈ ಕಂದಾಯ ಕೊಡಬೇಕೆಂದು ಇದರಲ್ಲಿದೆ. ಇದುಕೂಡ ತುಂಬಾ ವಿಚಾರಾರ್ಹವಾದಂತ ಒಂದು ವಿಧಿ ಎಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ. ಸರಕಾರಕ್ಕೆ ಪುನಃ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುವುದು ಏನಂದರೆ ಮಸೂದೆಯಿಂದ ಈ ವಿಧಿಯನ್ನು ಕಿತ್ತುಹಾಕಬೇಕು. ಇಲ್ಲದಿದ್ದರೆ ಈ ಮಸೂದೆ ಅಂಗೀಕಾರಾರ್ಹವಾಗುವುದಿಲ್ಲ. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಾವು ಏನು ಅಧಿಕಾರ ನಡೆಸಿಕೊಂಡು ಹೋಗುತ್ತಿದ್ದೇವೆಯೋ ಅಂಥಾದ್ದರಲ್ಲಿ ಇಂಥ ಯಾವುದೋ ಯುಗದ ಅಧಿಕಾರವನ್ನು ಪೋಲೀಸರಿಗೆ ಕೊಡಬೇಕೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ನ್ಯಾಯವಾದದ್ದೂ ಅಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ ಮತ್ತು ಈ ಮಾನ್ಯ ನಭೆ ಅಂಥ ಪ್ರಕರಣಗಳನ್ನು ಒಪ್ಪುವುದು ಕೂಡ ಯಾವುದೇ ದೃಷ್ಟಿಯಿಂದ ನ್ಯಾಯವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಪ್ರಕರಣಗಳನ್ನು ಕೈಬಿಟ್ಟುಬಿಡಬೇಕು ಎಂದು ಮತ್ತೊಮ್ಮೆ ಒತ್ತಾಯಮಾಡಿ ಸರ್ಕಾರವನ್ನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri R. M. PATIL(Minister for Home).— Mr. Speaker, Sir, I have heard the arguments advanced by my Hon'ble friends who opposed clauses 49 to 53 either to delete or to amend them.

So far as clause 49 is concerned, this is not an invention or innovation either in Mysore area or in Hyderabad area or in Bombay area. Clause 49 is included practically with all the spirit and letter in section 50 of the Bombay Act, section 21 of the Mysore Police Act and section 13 of the Hyderabad Act. In Madras Act there is no such provision but if we read section 15 read with section 46 of the Central Act, which is applicable to Madras area, it will mean the same thing. So, there is nothing new so far as this clause is concerned. It is good that all the Members who opposed this clause are urging and advocating the furtherance of the Welfare State. But the Welfare State will only survive and develop if there is peace and order in the country. In order to maintain peace and order in the country, certain provisions are necessary whether they are usd or not. Circumstances may compel the Government and the authorities concerned, who are at the helm of execution of these provisions, to make use of such provisions if such occassions arise. From that point of view it is necessary to contemplat such occasions or exigencies. Secondly, If such an occasion arises, what is the suggestion that the Hon'ble Members have made ? Practically no suggestion has been made. They only wish in a pious

(SRI R. M. PATIL)

way that such a thing may not happen; it is very good; I Join with them so far as their pious wish is concerned. But my apprehension is that even in a welfare Society, there are certain elements, anti-social elements, which are likely to create disturbances. In order to control such anti-social elements, certain provisions shall have to be there in the Act.

Putting it the other way, supposing no such occasions arise as the Hon'ble Members anticipate. Then, this will be only a letter in the book; that is all. This clause will create an obligation on the Society or community in that particular locality that it is their duty as such to support or to help the Government to control such situations; otherwise, they may not help. So this clause is absolutely necessary to creat a sense of awareness that they belong to the society and it is their collective duty to help the Government.

Then, clause 50 is similar to that of Section 51 of the Bombay Act, section 22 of Mysore Act, section 14 of Hyderabad Act and for Mardas area section 15(9) read with 46 of the Central Act which is in force in Madras area.

Clauses 51 is similar to section 12 of the Bombay Act, Section 15 (a) (2) of Central Act, section 22 Mysore Act and section 14 of Hyderabad Act. So there is nothing new so far as these clauses are concerned. They are already there and if my friends think in an impartial way, they will agree with me. They are only arguing because they should argue being on the opposit side.

MR. SPEAKER.—The question is

"That clausse, 49 to 53, both inclusive stand part of the Bill"

The motion was adopted

Clauses 49 to 53, both inclusive, were added to the Bill.

MR. SPEAKER.—Before I pass on to the next clause I may mention for the information of the House that with regard to the Mysore Bhoodan Yagna Bill and The Madras Hindu Religious and Charitable Endowments (Mysore Amendment) Bill, such literature as is available is placed on the Table of the Reading Room and Members may make such use of them as they may think proper.

Clause 54 will be put to vot. The question is ;

"That clauses 54 stand part of the Bill"

The motion was adopted

Clause 54 was added to the Bill

1-30 P.M.

MR. SPEAKER.—Does any Member want to speak on clause 55 ?

Sri B. R. SUNTHANKAR.—Sir, I wish to oppose this clause because it empowers the Government to remove a person even on suspicion if the police suspect that he is about to commit an offence. A person can be removed or externed under this clause even on mere suspicion. This clause is highly objectionable because it is likely and our experience has been that this power has been misused by the police officers in the past. Very often the power is used against political workers, workers who are engaged in agitation. We have enough experience that in our border agitation. In the past our workers have been externed without any justifications. If a police officer has a personal grudge or malice towards a person, he can use this power and remove such persons. Therefore very wide and unnecessary powers are given to the police.

The Hon'ble Minister for Home was pleased to defend this clause the other day by saying that powers should at first be vested and then watch the police using them. Sir, we have watched the Government and the police vested with powers all these years. We have watched them as silent and important spectators when such powers were being misused and abused by the police. As citizens and members of the public we have been helpless to check the police excesses. Our watching has no effect on the police. We are watching them with important rage. Once the power is vested there is no check on the police by the people. To vest such powers in the first instance is wrong and there is no use asking us to watch it later. That would be putting the cart before the horse. Once such powers are given we would be helpless. This is an objectionable clause and I oppose it.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್ (ಗುಬ್ಬಿ).—ಇದರಲ್ಲಿ ಒಂದೇ ಒಂದು ವಿಷಯವನ್ನು ಹೇಳಬೇಕೆಂದು ಇದ್ದೇನೆ. ಶ್ರೀ ಸುಂಠಣಕರ್ ಅವರು ಯಾವುದನ್ನು ಹೇಳಿದರೋ ಆ ವಿಚಾರದಲ್ಲಿ ನಾವು ಮುಂದು ವರಿಸಿಕೊಂಡು ಹೋದರೆ ಈ ಕಾಲಕ್ಕೆ ತಕ್ಕ ವಿಧೇಯಕವನ್ನು ತರಬೇಕಾಗಿದೆ. ನುಮ್ಮನೆ ಅನುಮಾನ ಬಂತು ಎಂದು ಒಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಹೊರದೂಡುವುದು ದೊಡ್ಡದಲ್ಲ. ಆ ವಿಚಾರದಲ್ಲಿ ಬೇಜವಾಬ್ದಾರಿಯಿಂದ ವರ್ತಿಸದೆ ಇರುವುದಕ್ಕೆ ಏನಾದರೂ built in provision ಇರಬೇಕು. ಒಬ್ಬ ಮನುಷ್ಯನನ್ನು ಆತನ ವಾಸಸ್ಥಾನದಿಂದ ಆಚೆಗೆ ಕಳಿಸಿದರೆ ಅವನ ಜೀವನೋಪಾಯಕ್ಕೆ ಏನಾದರೂ ವ್ಯವಸ್ಥೆ ಮಾಡಿದರೆ, ಈ ವಿಧೇಯಕದಲ್ಲಿ ಅದಕ್ಕೆ ಅವಕಾಶವಿದ್ದರೆ, ಸರ್ಕಾರ ಜವಾಬ್ದಾರಿಯುತವಾಗಿ ವರ್ತಿಸುವುದಕ್ಕೆ ಹಾದಿಯಾಗುತ್ತದೆ. ಶ್ರೀ ಸುಂಠಣಕರ್ ಅವರು ಹೇಳಿದ ವಿಷಯದಲ್ಲಿ ಆಗಮಾತ್ರ ದುರುಪಯೋಗಕ್ಕೆ ದಾರಿಯಾಗುವುದಿಲ್ಲ. ಈ ವಿಚಾರವನ್ನು ಪೂರ್ತಿಯಾಗಿ ಯೋಚನೆ ಮಾಡಿ, ಈ ದೃಷ್ಟಿಯಿಂದಲಾದರೂ ಈ ಕ್ಲಾಜನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆಂದು ಹೇಳಿ ನಾನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಶ್ರೀ ದೇವ್ ಅವರು ಹೇಳಿದುದನ್ನು ನಾನು ಸಮರ್ಥಿಸುತ್ತೇನೆ ಸ್ವಾಮಿ.

ಅಧ್ಯಕ್ಷರು.—ಶ್ರೀ ದೇವ್ ಅವರು ಹೇಳಿದುದನ್ನು ನೀವು ಸಮರ್ಥಿಸುತ್ತೀರಾ ?

† **Sri V. S. PATIL.**—Sir, out of the whole Bill, this is the most obnoxious provision. Several times we have discussed this aspect. Particularly sub-clause (a) is reprehensible. It is a dangerous clause and I oppose it tooth and nail. The remedies suggested are worse than the disease. Our experience has been that this clause is rarely used for the perpose which it was meant. The main purpose of this clause is to convert non-Congressmen into Congressmen. I will give one or two illustrations to show how this clause was used in the past. Once a person

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was persecuted for about 6 months by the police and ultimately he joined the Congress party and the proceedings were dropped. He was given a seat in this House and he is an Hon'ble Member of the other side.

SRI R. M. PATIL.—It will not be applied to the Hon'ble Member.

SRI V. S. PATIL.—God knows. It may be applied even to me. There is another example also from my district. In that case a school headmaster was prosecuted under this provision. He was harrassed for 6 months before the general elections and the case is still pending against im. His fault was that he started about half-a-dozen high schools in that area and the Congress workers had taken it ill of him and they instigated the police to extern him. The proceedings are still pending. The general elections are over and the schools are running smoothly. The only thing demanded of him is that he should join the Congress. I am defending him before the officers. I advised him not to be afraid so long as he was straightforward and doing a public duty sincerely. Even though the police have externed him we said that we would fight for his cause with higher authorities and see that justice is done. Thus this provision is being used by Congress party bosses to persuade police officers to do an illegal thing. In order to avoid the blame on the Congress party itself, I would request the Hon'ble Minister to see that the clause(a) is dropped. This sub-clause (a) is very dangerous and that is why I have opposed this not only here, but even in Bombay. But, ultimately the ruling party, *i.e*, the Congress Party, passed it there. I feel, that atleast some saner elements will prevail so ar as our Congress Party is concerned and see that no unnecessary pressure is brought by anybody in order to convert them into their own group. It is against all principles of natural justice, which we expect in a democracy. That is why this clause must be opposed and it deserves to be deleted from the Bill.

† SRI GANJI VEERAPPA (Harihar).—The provisions contained in clause 55 and sub-clauses (a), (b) and (c) are very necessary. Sir, it is only by way of prevention of certain offences that this provision is introduced and I may bring to the notice of the House that this is not a new provision peculiar only to the State of Mysore. We find similar provisions in the enactments in other States also. Further, the fears expressed by my friends on the other side, I may humbly state, are baseless. Sri V. S. Patil thought that this was one of the ways of employing police officers to make non-Congress people join the Congress Party. People come voluntarily to join the Congress Party. His argument is not correct. So, the fear expressed on the other side is baseless. If only my friend sees clause 58, wherein it is stated.

> "..... and give him a reasonable opportunity of tenderig an explanation regarding them....."

Will realise that it is necessary. In fact, a showcause notice is issued to him under clause 58, and he is entitled to represent by a legal counsel and every opportunity is given to him to state as to why action

should not be taken by him under clause 55. Further the maximum period of operation of orders is only two years that is prescribed under clause 57. Even after all this is done; if the officer behaves arbitrarily, there is an appeal provided under clause 59 wherein any person aggrieved by an order made under section 54, 55 or 56 may appeal to the Government within thirty days from the date of such order. It is not an arbitrary power vested with the police officer to take action as such. There are other safeguards here. That is why the retention of this clause is absolutely necessary, because it is better if he is apprehended on re asonable grounds that he is about to commit an offence. In fact, only very serious offences are contemplated in Chapters 12, 16 and 17 of the Indian Penal Code. It is done under such circumstances only, and that too if there are reasonable provisions, thet erm 'reasonable'. my friends know, If action is taken without any ground, it is not justifiable. Sub-clause (a) of clause 55 reads.

> "that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, "

That is enough. Even under this, Sir, I am sure, the powers will not be exercised arbitrarily. After all, certain powers with some discretions must be there. That is why I am supporting the retention of clause 55 and sub-clauses (a), (b) and (c) because it is only a preventive measure and it is always to prevent the commission of certain offences rather than taking action afterwards.

G. V. GOWDA (Palya).—Sir, for the purpose of preventing the commission of an offence, there are other methods open. Here, the person, who is about to commit a certain act is to be punished as noted in clauses 55 and 56, and Sri Ganji Veerappa pointed out clauses 58 and 59. Under clause 58, who is the officer entrusted with the responsibility of conducting an enquiry ? He is a Police officer, may be an officer above the rank of a Police Inspector. He is the person, who has to conduct the enquiry. As our Hon'ble Minister in charge of the Bill is an eminent criminal lawyer, he knows that any version of the police officer is not believed by the Courts.

Mr. SPEAKER.—What is the meaning of the word 'criminal lawyer'?

Sri G. V. GOWDA.—In the sense, he is an expert.

Mr. SPEAKER.—I do not want that to go down without any clarification.

Sri G. V. GOWDA.—As I submitted already, any statement made by the police officer is not be believed in the Courts. The officer contemplated herein to remove a person is the District Magistrate or the Sub-divisional Magistrate. These are not judicial officers. They are all administrative officers. The District Magistrate or an Assistant Commissioner is to take action for the removal of persons about to commit offences under this clause and that too for what offence ?

(SRI G. V. GOWDA)

"that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property....."

For that simple reason, one is asked to go away. It is not punishable under the Indian Penal Code; even the preparation for an offence is not punishable. Such being the case, are we within our bounds to make an enactment like this? There is another provision regarding the dispersal of gangs and bodies of persons. This is welcome. On the version of the Police Officer alone, sending a report that a person's movements are causing alarm, could he be externed? Also, the person conducting the enquiry is not a judicial officer. Therefore, I submit that by the retention of this provision the consequences will be alarming and not in the interest of the public at large. Clause 56 says that a person likely to commit an offence or engaged himself in the commission of an offence is liable for removal outside the area. It does not amount even to preparation of an offence. Therefore, I am submitting that it is a violation of the provisions of the Indian Penal Code and such a thing is not contemplated anywhere.

Mr. SPEAKER.—How is the Penal Code violated?

Sri G. V. GOWDA.—In the Penal Code, even preparation is not an offence.

Sri R. M. PATIL.—Certain preparations also are offensive.

Sri G. V. GOWDA.—Apart from that, it does not violate. So far as these matters are concerned, I submit that they do not come under the provision of punishable offences. Unless there is an attempt, nothing could be done. Under this provision, people are sought to be punished even before the commission of an offence.

† ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸ್ವಾಮಿ, ಈ 55ನೆಯ ಕ್ಲಾಜನ್ನು ಪೋಲೀಸ್ ಬಿಲ್ಲಿನಿಂದ ತೆಗೆದು ಹಾಕಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಇದು ಈ ಸಭೆಗೆ ಬಹಳ ಅವಮರ್ಯಾದೆ ತರತಕ್ಕ ಅಮಾನುಷ ಕ್ಲಾಜಾಗಿದೆ. ತಾವು ವೇದಿಕೆಗಳ ಮೇಲೆ ಸಮಾಜ ಸುಧಾರಣೆ ಮಾಡುತ್ತೇವೆ, ಸುಖೀರಾಜ್ಯ ಸ್ಥಾಪನೆ ಮಾಡುತ್ತೇವೆಂದು ಭಾಷಣಗಳನ್ನು ಮಾಡುತ್ತಾ 1963ರಲ್ಲಿ ಇಂಥ ಒಂದು ಕ್ಲಾಜನ್ನು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಅಡಕಮಾಡಿ ಪೋಲೀಸಿನವರ ಕೈಗೆ ರಾಕ್ಷಸೀಕೃತ್ಯ ನಡೆಸತಕ್ಕ ಅಧಿಕಾರ ಕೊಡಲು ಹೊರಟಿರತಕ್ಕದ್ದು ತುಂಬಾ ಆಶ್ಚರ್ಯ. ಸಾತ್ವಿಕ ತತ್ವಗಳನ್ನು ಬಿಟ್ಟು ಇಂಥ ಅಮಾನುಷ ಶಾಶನದ ಮೇಲೆ ತಾವು ಸುಖೀರಾಜ್ಯ ಸ್ಥಾಪನೆ ಮಾಡುವುದಾಗಿದ್ದರೆ ಅಂಥ ಸುಖೀರಾಜ್ಯ ಖಂಡಿತ ನಮಗೆ ಬೇಡವೇಬೇಡ. ಸರ್ಕಾರದವರು ಇಂಥ ಮಾರ್ಗಕ್ಕೆ ಕೈಹಾಕದೆ, ಜನರಿಗೆ ಒಳ್ಳೆ ವಿದ್ಯಾಬುದ್ಧಿಗಳನ್ನು ಕಲಿಸಿ, ಸುಖೀರಾಜ್ಯ ಸ್ಥಾಪನೆ ಮಾಡುವುದು ಒಳ್ಳೆಯದೆಂದು ಹೇಳುತ್ತೇನೆ. ಯಾವನಾದರೊಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಒಂದು ಘೋರತರದ ಕಾಯಿಲೆ ಇದ್ದರೆ ಅತನಿಗೆ ಸರಿಯಾದ ಔಷಧಿಗಳನ್ನು ಕೊಡಿಸದೆ, ಅವನನ್ನು ಬೇರೆ ಸ್ಥಳಕ್ಕೆ ಓಡಿಸಬೇಕೆಂದು ಹೇಳಿರುವುದು ನಾಚಿಗೇಡಾದ ಮಾತು. ಕೆಲವು ಬೆಳೆಗಳಿಗೆ ಮಿಡತೆ ಹಾವಳಿ ಬಿದ್ದಾಗ ವ್ಯವಸಾಯದ ಇಲಾಖೆಯವರು ಒಂದು ತರಹೆ ಗಾಳಿಯನ್ನು ಬಿಟ್ಟು ಅವುಗಳನ್ನು ಓಡಿಸುತ್ತಾರಂತೆ. ಹಾಗೇ ಈಗ ಜನರನ್ನೂ ಸಹಾ ಓಡಿಸಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ಹಿಂದೆ ಹಂದಿ, ಜಿಂಕೆ ಇತ್ಯಾದಿಗಳನ್ನು ಓಡಿಸಲು ಕಾನೂನು ಇತ್ತು. ಈಗ ಆ ಕಾನೂನನ್ನು ಜನರಿಗೂ ತಂದಹಾಗಾಗಿದೆ. ಕಾಯಿಲೆಯಿಂದ ನರಳತಕ್ಕ ಜನರನ್ನು ದೇಶದಿಂದ ಹೊರಗೆ ಹಾಕುವುದಕ್ಕಲ್ಲ ಸರ್ಕಾರ ಇರುವುದು, ಈ ದಿವಸ ಇಂಥ ಒಂದು ಕಾನೂನನ್ನು ಮಾಡಿ ಪೋಲೀಸಿನವರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇವರನ್ನು ದೇಶದಿಂದ ಹೊರಗೆ ಹಾಕಿ ಎಂದು ಹೇಳತಕ್ಕ ಕಾನೂನು ಬಹಳ ವಿಚಿತ್ರವಾದ ಕಾನೂನೇ ಸರಿ. ಇಂದಿನ ಸಮಾಜ ಘೋರಣಿಗೆ ಇದು ಖಂಡಿತ ಸರಿಯಾದ್ದಲ್ಲ. ತಮಗೆ ಬಹುಮತ ಇದೆ ಎಂಬ ನೆಪದಲ್ಲಿ ಈ ಮನೂಪೆಗೆ ನಮ್ಮನ್ನೂ

ಪಾಲುಗಾರರನ್ನಾಗಿ ಮಾಡಬೇಡಿ. ಇದು ತೀರಾ ನಾಚಿಗೆಗೇಡಿನ ಪ್ರಸಂಗ. ದಯವಿಟ್ಟು ಈ ಮಸೂದೆಯನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಸಮಾಜವನ್ನು ಬೇರೆ ರೀತಿಯಲ್ಲಿ ಪರಿವರ್ತನೆ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರಕ್ಕೆ ಶಕ್ತಿ ಇದೆ.

† ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಈ ಐದನೆಯ ಅಧ್ಯಾಯದ ಬಗ್ಗೆ ನಾನು ಪ್ರತಿಭಟನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಆದರೆ ಈ 55ನೆಯ ಪ್ರಕರಣದವರೆಗಾಗಲೆ ಮಾನ್ಯ ಸಚಿವರು ಈ ಸಭೆಯ ಅಂಗೀಕಾರ ಮುದ್ರೆಯನ್ನು ಪಡೆದಿದ್ದಾರೆ. ಈ ಕ್ಲಾಜ್ 55ರ ಬಗ್ಗೆ ಈಗಾಗಲೇ ಶ್ರೀ ಎ. ಎಸ್. ಪಾಟೀಲರು ಹೇಳಿದಂತೆ ವಿರೋಧ ಪಕ್ಷದವರನ್ನು ಅವರಿಗೆ ಇಷ್ಟ ಬಂದಾಗ ಹೊರಗೆ ಹಾಕಲು ಇದರಿಂದ ಅವಕಾಶವಾಗಬಹುದು. ಅಂಥ ಪ್ರಕರಣ ಇದು. ನನಗೆ ಗೊತ್ತಿರುವಂತೆ ಈ ಹಿಂದೆ ಮುಂಬೈನಲ್ಲಿ ಏನಾದರೂ ಗಲಾಟೆ ನಡೆದರೆ ಆ ಗಲಾಟೆ ಮಾಡಿದ ಜನರನ್ನು ಹಿಡಿದು ನಮ್ಮ ಮೈಸೂರಿಗೆ ರವಾನೆ ಮಾಡುತ್ತಿದ್ದರು. ಬಿಜಾಪುರದಲ್ಲಿ ಶ್ರೀ ನಾಗೂರ ಅವರು ಗಲಾಟೆ ಮಾಡುತ್ತಾರೆಂದರೆ ಅವರನ್ನು ಹಿಡಿದು ಬೇರೊಂದೂರಿಗೆ ರವಾನೆ ಮಾಡುತ್ತಿದ್ದರು. ಹೀಗೆ ಹಿಂದೆ ರಾಜಕಾರಣಿಗಳನ್ನು ಊರಿಂದ ಹೊರಗೆ ಹಾಕುತ್ತಿದ್ದ ಒಂದು ಅಭ್ಯಾಸವಿತ್ತು. ಈ ಹಿಂದೆ ಜನರನ್ನು ಹೀಗೆ ಒಂದು ಸಂಸ್ಥಾನದಿಂದ ಮತ್ತೊಂದು ಸಂಸ್ಥಾನಕ್ಕೆ ರವಾನೆ ಮಾಡಲು ಒಂದು ಪಿಕ್ಕಾರಿ ಮಾಡಲಾಗುತ್ತಿತ್ತು. ಇಂಥವರು ಇಂಥಕಡೆಯೇ ಇರಬೇಕು, ಇಂಥವರು ಇಂಥಕಡೆ ಇರಕೂಡದು ಎಂದು ನಿರ್ಬಂಧ ಹಾಕಲಾಗುತ್ತಿತ್ತು. ಆದರೆ ಈಗ ಆ ಕಾಲವೆಲ್ಲಾ ಹೋಯಿತು. ಭರತಖಂಡದಲ್ಲಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ಸ್ಥಾಪಿತವಾಗಿ, ಒಂದು ಗಣತಂತ್ರ ಆಡಳಿತ ನಡೆಯುತ್ತಿದೆ. ಕೇಂದ್ರ ಸರ್ಕಾರ ಮಾಡತಕ್ಕ ಶಾಸನ ಏನಿರುತ್ತದೆ ಅದಕ್ಕನುಗುಣವಾಗಿ ನಾವಿಲ್ಲಿ ಆಡಳಿತ ನಡೆಸಬೇಕಾಗಿರುವಾಗ, ಪ್ರತಿಯೊಂದು ರಾಜ್ಯಸರ್ಕಾರವೂ ಇಂಥ ಒಂದು ಕಟ್ಟುಪಾಡಿಗೊಳಪಟ್ಟಿರುವಾಗಲೂ ನಾವೀಗ ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿ ಹೀಗೆ ಒಂದು ಮಸೂದೆಯನ್ನು ಮಾಡಿ ಪೋಲೀಸಿನವರಿಗೆ ಇಷ್ಟೊಂದು ಅಧಿಕಾರ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವೆಲ್ಲಿದೆ ಎಂಬ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುತ್ತದೆ. ಭಾಷಣ ಇತ್ಯಾದಿಗಳನ್ನು ಮಾಡುವುದು ಮೂಲಭೂತ ಪ್ರಶ್ನೆ ಆಗಿದ್ದರೂ, ಭಾಷಣ ಮಾಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ಊರಿಂದ ಹೊರಗಡೆ ಹೋಗಿ ಎಂದು ಹೇಳುವುದಕ್ಕೇನೋ ಅವಕಾಶವಿದೆ. ಇಂಥ ಒಂದು ಅಪಾಯವನ್ನು ತಂದೊಡ್ಡುವುದು ಈಗಿನ ಕಾಲಕ್ಕೆ ಎಷ್ಟು ಸಮಂಜಸವಾಗಿದೆ ಎನ್ನುವುದನ್ನು ಈ ಮಾನ್ಯ ಸಭೆ ಪರಿಶೀಲಿಸುವುದು ಒಳ್ಳೆಯದೆಂದು ಕಾಣುತ್ತದೆ. ಗಣತಂತ್ರ ರಾಜ್ಯಾಡಳಿತದಲ್ಲಿ, ಪ್ರಜಾಪ್ರಭುತ್ವಾಡಳಿತದಲ್ಲಿ ಎಲ್ಲರಿಗೂ ಒಂದು ಸರಿಸಮಾನವಾದ ಒಂದು ಅವಕಾಶವಿದೆ ಎಂದು ಹೇಳತಕ್ಕ ಕಾಲದಲ್ಲಿ, ಕಾಯಿಲೆಯಾದ ಒಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಒಂದು ಜಿಲ್ಲೆಯಿಂದ ಮತ್ತೊಂದು ಜಿಲ್ಲೆಗೆ ಹಾಕಿದರೆ ದೇಶದಲ್ಲಿ ಶಾಂತಿ ಉಂಟಾಗುತ್ತದೆ, ಅದರಿಂದ ನ್ಯಾಯ ಪರಿಪಾಲನೆ ಮಾಡಿದಂತಾಯಿತು ಎಂಬ ಅರ್ಥ ಇದರಲ್ಲಿ ಕಾಣುವುದಿಲ್ಲ. ಹಿಂದೆ ಇದ್ದ ಕಾನೂನುಗಳಲ್ಲಿ ಇದ್ದುದನ್ನು ಈಗಲೂ ಇಟ್ಟುಕೊಂಡಿದ್ದೇವೆ ಎಂದು ಹೇಳುವುದಾದರೆ ಅದು ಅರ್ಥವಿಲ್ಲದ ಮಾತು. 1861ರ ಹಿಂದೆ ಪಿಪಾಯಿದಂಗೆ ಎದ್ದಿದ್ದ ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ಕಲಂಗಳು ಈಗೆಲ್ಲ ರಿಪೀಲಾಗಿರುತ್ತವೆ. ಆದರೂ ಅವುಗಳನ್ನು ಇವರು ಹಾಗೆ ಮುಂದುವರಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದಾರೆ. ಇದು ಬಹಳ ವಿಷಾದಕರ. ಸ್ವಾತಂತ್ರ್ಯಕ್ಕೆ ಮುನ್ನ ಇದ್ದಂತಹ ಕಾನೂನನ್ನು ಸ್ವಾತಂತ್ರ್ಯ ಬಂದಮೇಲೂ ರಾಜಕಾರಣಗಳಿಗಾಗಿ ಇಂಥ ಒಂದು ಕಾನೂನನ್ನು ಇಟ್ಟುಕೊಳ್ಳುವುದು ಖಂಡಿತ ಸರಿಯಲ್ಲ.

ಇಂತಹುದನ್ನು ಇಟ್ಟುಕೊಳ್ಳುವುದರಿಂದ ನಾವು ಒಂದು ಪ್ರಗತಿಯ ಹೆಜ್ಜೆಯಲ್ಲಿ ಹೋದಂತಾಗುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಮಾನ್ಯ ಸಚಿವರು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಸಲಹೆಮಾಡುತ್ತೇನೆ.

2-00 P M.

Sri R. M. PATIL.—Mr. Speaker, Sir, by way of reply to the arguments that are advanced either to modify clause 55 or to delete the same, my submission is this. Of all the measures in respect of controlling the offences, the effective measure is prevention. Preventive measure is the more effective measure and clause 55 is for the purpose of preventing a person who is about to commit an offence. In order to safeguard the welfare of the society in respect of property and person, it is necessary that such a provision is retained in the Statute Book. In regard to the movements of persons who are causing or calculated to cause alarm,

(SRI R. M. PATIL)

danger or harm to person or property so far as this clause is concerned, this is a very useful one by way of a preventive measure. But my friends are urging for the deletion of this clause. If we delete this clause, what will be the result ? First one keep a watch over what is going to happen and if there is.....

Sri G. V. GOWDA.—Sections 110 and 112 of the Criminal Procedure Code are there.

Sri R. M. PATIL.—I know all that. Knowing that fully well, this clause has been added. Section 107 of the Criminal Procedure Code is not effective because it is only taking a bond from a person, an interim bond not to commit an offence and that is ineffective because he shall have to be there in that locality. Suppose there are two boys quarrelling and ultimately coming to blows. What will be the effective way of dealing with that situation ? Are you allowing them to fight among themselves and then separate them or are you going to intervene before they clash with each other physically ? This is a very simple measure and a simple way of preventing the commission of an offence. If such a thing is to be opposed, I fail to understand how they are going to support the Government which is trying its level best to see that this is a welfare State ? If they are allowing such sort of things by way of opposition. By the deletion of this clause, my submission is, they are opposing the existence 'welfare State' as such and they are only opposing even though they know that such beneficial clauses are intended for the benefit of the people who are peace loving. There is absolutely no substance in their arguments so far as the deletion of this clause is concerned. This may kindly be taken into consideration.

Mr. SPEKER.—I shall now put the clause to vote. The question is :

"That clause 55 stand part of the Bill." I think Ayes have it.

Sri K. LAKKAPPA (Hebbal).—I press for a division.

(*After the division bell was rung*)

Mr. SPEAKER.—I shall again put it. The question is.

"That clause 55 stand part of the Bill." Those in favour of the motion will kindly stand up in their seats. Those who are against will kindly stand up in their seats.

Members in favour : 65.

Members against : 35.

The motion was adopted.

Clause 55 was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 56 and 57 stand part of the Bill."

The motion was adopted.

Clauses 56 and 57 were added to the Bill.

Sri B. R. SUNTANKAR.—I beg to move : an amendment to clause 58 :

"That in sub-clause (1), in lines 2,3 and 4 for the words "the Officer acting under any of the said section or any Officer above the rank of an Inspector authorised by that Officer" the words "the District Magistrate or the Sub-Divisional Magistrate specially empowered in this behalf by the Government" shall be substituted."

"In sub-clause (2), for the words "Officer or authority" wherever they occur, the words "the District Magistrate or the Sub-Divisional Magistrate" shall be substituted."

Mr. SPEAKER.—Amendment moved.

"That in sub-clause (1) in lines 2, 3 and 4 for the words "the Officer acting under any of the said section or any Officer above the rank of an Inspector authorised by that Officer" the words "the District Magistrate or the Sub-Divisonal Magistrate specially empowered in this behalf by the Government" shall be substituted."

"In sub-clause (2), for the words "Officer or authority" wherever they occur, the words "the District Magistrate or the Sub-Divisional Magistrate" shall be substituted."

Sri B. R. SUNTANKAR.—Sir, according to this clause the power of hearing and examining the witnesses before passing an order under sections, 54, 55 and 56 is given even to the police officers above the rank of an Inspector. By this amendment, I seek that this power should be given to a Magistrate or a Sub-Divisional Magistrate.

†Sri R. M. PATIL (Home Minister).—Sir, the whole conception of my friend is wrong. Clause 58 requires an officer for enquiry, for collecting evidence and after collecting evidence, he submits the report to the District Magistrate and he passes an order on that. So, the final authority is the Magistrate or a Sub-Divisional Magistrate. He passes the final order under clause 55. I oppose this amendment.

Mr. SPEAKER.—The question is :

"That in sub-clause (1) in lines 2, 3 and 4 for the words "the Officer acting under any of the said section or any Officer above the rank of an Inspector authorised by that Officer" the words "the District Magistrate or the Sub-Divisional Magistrate specially empowered in this behalf by the Government" shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—The other amendment is consequential and therefore it is barred.

The question is.

"That clause 58 stand part of the Bill"

The motion was adopted.

Clause 58 was added to the Bill.

Mr. SPEAKER.—The question is.

"That clause 59 stand part of the Bill"

The motion was adopted.

Clause 59 was added to the Bill.

Mr. SPEAKER.—There is an amendment to clause 60, but that is barred. The question is.

"That clause 60 stand part of the Bill"

The motion was adopted.

Clause 60 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 61 and 62 stand part of the Bill'

The motion was adopted.

Clauses 61 and 62 were added to the Bill.

Sri B. R. SUNTANKAR.—I beg to move an amendment to clause 63.

"That in lines 5 and 6, the words "or Superintendent of Police specially empowered by the Government in that behalf" shall be deleted."

Mr. SPEAKER.—Amendment moved.

"That in lines 5 and 6, the words "or Superintendent of Police specially empowered by the Government in that behalf" shall be deleted."

Before the Hon'ble member begins I would like to mention that the time of one hour which I had extended, is over. So, I extend the time by another 45 minutes.

Sri B. R. SUNTANKAR.—Sir, by this amendment I seek that the words "Superintendent of Police should be deleted. The power should be given to a Magistrate and not to the police officer. Only the Magistrate should be vested with this power and not the police officer. Hence, this amendment.

Sri R. M. PATIL.—Sir the suggestion by way of amendment is not practical and I cannot accept the amendment.

Mr. SPEAKER.—The question is:

"That in lines 5 and 6, the words "or Superintendent of Police" specially empowered by the Government in that behalf" shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 63 stand part of the Bill"

The motion was adopted.

Clause 63 was added to the Bill.

Mr. SPEAKER.—Clause 64.

Sri V. S. PATIL.—I want to speak, Sir.

MR. SPEAKER.—Is it possible for every Member to speek on everything? The General Debate is over.

I must be satisfied that the clause is controversial.

SRI V. S. PATIL.—Unless we are allowed to speak, how can we convey our views whether it is controversial or not?

MR. SPEAKER.—The Hon'ble members had his chance to discuss this clause.

SRI V. S. PATIL.—Unfortunately the proceedings of the Select Committee are confidential and we cannot disclose them here.

SRI G. V. GOWDA.—I would request the Chair to give a ruling on this aspect. Cannot the proceedings of Select Committees be referred to here?

MR. SPEAKER.—Let us finish the point before us. I will attend to the other point. I do not find this clause to be important one. I am satisfied about it.

SRI V. S. PATIL.—This clause is for prohibiting the use of uniforms or holding of parades. That would affect so many institutions being run by private organisations.

MR. SPEAKER.—That point should have been raised during the general discussion. Now the amendments are inadmissible. Only to facilitate Hon'ble Members to express their views on certain important issues I allowed them to discuss some clauses, though they are inadmissible. That does not confer a right on them to discuss every clause of the Bill.

SRI V. S. PATIL.—This clause affects the very discipline of the nation. It is an important question.

MR. SPEAKER.—Yes, but the Hon'ble Member was be very brief.

†SRI V. S. PATIL.—So far as the Control of camps, parades and banning use of uniforms are concerned, there are sufficient provisions in the Indian penal Code as well as in the Army, Navy and Airforce Acts. Whoever uses the uniforms similar to those used by these persons are liable to be punished. But this clause covers uniforms of every kind. The R. S. S. boys use some kind of uniform and they hold parades. Their aim is to discipline the entire people in a manner befitting an independent nation. There are other institutions which are trying to give physical training to young boys and girls in an organised manner and parades are held similar to those held in colleges and high schools. If this clause is enforced, if the ruling party does not like an institution, it may instruct the police to see that such things are stopped and it would come in the way of the desire of the Leader of the country, Pandit Nehru, who is keen on having a disciplined people. The standard of discipline of the people of our country is poor, compared to those in advanced countries. Even walking in streets is not known to our people. The rules of the road are not observed by them. Foreigners may feel that we are an Indisciplined nation. Therefore it is highly desirable that institutions devoted to inculcating a sense of discipline among our people should be encouraged and their activities should not be curbed in the manner suggested in this clause. Otherwise I am afraid the ruling

(SRI V. S. PATIL)

party would misuse the clause. This clause was introduced in Bombay to curb the activities of political institutions which started wings like Youth Leagues. I request the Government to avoid such blame and remove this provision.

† **Sri R. M. PATIL.**—Sub-clause (2) of clause 64 does not warrant any apprehension as expressed by the Hon'ble Member. It is a simple provision. If any person or groups of persons wear uniform of the same type as used by the police or the army, this clause would come into the picture, not otherwise. I do not know political ideologies and political workers would come into the picture. The Hon'ble Member is unnecessarily importing politics into the matter and making out a ground a gainst every provision of the Act, even though they are innocent and simple. He is imputing political motives at every stage. My humble submission is that there is no substance in his argument and the amendment may, therefore, be thrown out.

Mr. SPEAKER.—The question is:

"That clause 64 stand part of the Bill."

The motion was adopted.

Clause 64 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 65 to 67 stand part of the Bill."

The motion was adopted.

Clauses 65 to 67 were added to the Bill.

CLAUSE 68

Sri B. R. SUNTHANKAR.—I beg to move:

"That after item (g), the following item shall be added:, "(h) to protect the individual and his property to the best of his ability".

Mr. SPEAKER.—Amendment moved:

"That after item (g), the following item shall be added:, "(h) to protect the individual and his property to the best of his ability."

Sri B. R. SUNTHANKAR.—One of the most important duties of the police towards the public is the protection of life of the citizens and their property. Before the Bill was sent to the Joint Select Committee, it was criticised on the floor of this House that the duties of the police mentined in the clause and not exhaustive and that they should be more exhaustive and more adequate. The Committee does not appear to have taken into consideration views expressed here in this matter. Since this is one of the most important duties of the police, I suggest that it may be included now.

The protection of a person and the property that should be the primary duty of the Police Department. But, nowhere in this Bill

there is any indication of this specific duty on the part of the Police. Sir, in the early British days, it used to be said that any person could tie a lump of gold to a stick and move from place to place travelling from Badrikedan to Cape Comorin. That was said in the early days of the British rule. Now, that safety has gone; those days are gone. Now, the gold in the house is being robbed. It is taken away by the Government under the Gold Control Order. Those people, at that time, had faith in the Police Department, but now that faith has gone. People have lost confidence in the Police Department on account of the behaviour of the Police to the public. In order to restore that confidence, there must be such a provision in this Bill. People must feel that they are safe with the Police. That is why I press that this amendment should be accepted by the Hon'ble Minister, so that it should be a duty of the Police to protect the individual and his property.

2-30 P.M.

Mr. SPEAKER.— Is the Hon'ble Minister for Home accepting it ?

Sri R. M. PATIL.—Sir, it is a very simple matter. Even under clause 65 (h) it is stated as follows.—

"(h) to discharge such duties as are imposed upon him by any law for the time being in force."

So, he could discharge such duties as are enjoined upon him under any other provision of law and as such this is a redundant clause which my friend is urging by way of amendment.

Mr. SPEAKER:—The question is :

"That in clause 68 after item (g), the following item shall be added :

"(h) to protect the individual and his property to the best of his ability."

The amendment was negatived.

Mr. SPEAKER.—The question is:—

"That clause 68 stand part of the Bill."

The Motion was adopted.

Clause 68 was added to the Bill.

Mr. SPEAKER:—The question is :—

"That clauses 69 to 131, both inclusive, stand part of the Bill."

The Motion was adopted.

Clauses 69 to 131, both inclusive, were added to the Bill.

Sri V. M. DEO.—Sir, I beg to move an amendment clause 132.

"That for Clause 132 the following shall be substituted :—

"That for clause 132 The Village Police shall be under the authority of the Village Panchayat and the Chairman of the Village Panchayat shall be the Police Patel who shall work under the directions of the District Magistrate."

Mr. SPEAKER—Amendment moved ;

"That for clause 132 the following shall be substituted :—

"The Village Police shall be under the authority of the Village Panchayat and the Chairman of the Village Panchayat shall be the Police Patel who shall work under the directions of the District Magistrate."

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ಇಲ್ಲಿರುವ ವಿಷಯ ಯಾರಿಗೆ ಅಧಿಕಾರ ಕೊಡಬೇಕು ಎನ್ನುವುದು. ಸರ್ಕಾರ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್, ಸೂಪರಿಂಟೆಂಡೆಟ್, ರೆವೆನ್ಯೂ ಅಧಿಕಾರಿಗಳು ಇವರ ಮಧ್ಯೆ ಜನ ನುಚ್ಚು ನೂರಾಗುತ್ತಾರೆ, ಈ ತರಹ ಆರ್ಡರ್ ಮಾಡಿದರೆ. ಇನ್ನೊಂದು ಕಡೆ ನೋಡಿದರೆ ಇದರ ವಿಚಾರವಾಗಿ ಪೂರ್ಣವಾಗಿ ಯೋಚನೆ ಮಾಡದೆ ನಿರ್ದಿಷ್ಟವಾದ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದು ಬುದ್ಧಿ ಪೂರ್ವಕವಾಗಿ ಮಾಡಿಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ನಾವು ಆಡಳಿತ ಪಕ್ಷದವರನ್ನು ಟೀಕೆ ಮಾಡಿದ ಹಾಗೆ ಅವರೂ ನಮ್ಮನ್ನು ಟೀಕೆ ಮಾಡುತ್ತಾರೆ. ಇದರ ತಿರುಳೇನೆಂದರೆ, ನೀವು ರಾಜ್ಯ ಹೇಗಿರಬೇಕು ಎನ್ನುವ ಚಿತ್ರವನ್ನು ಕೊಡುವುದಿಲ್ಲ, ನಿಮ್ಮಲ್ಲಿ ಚಿತ್ರವೇ ಇಲ್ಲ, ನೀವು ಹೇಗೆ ರಾಜ್ಯವನ್ನು ಆಳುತ್ತೀರಿ ಎಂದು ಕೇಳುತ್ತಾರೆ. ಆ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಮಾತನಾಡುವುದಕ್ಕೆ ಇಷ್ಟ ಪಡುತ್ತೇನೆ. ಇದರೊಳಗೆ ಏನು ಅಡಕವಾಗಿದೆ, ತಿರುಳು ಏನಿದೆ.....

Mr. SPEAKER.—The Hon'ble Member should talk on the amendment but not on the general principles of the Bill.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ನಾನು ಹೇಳುವುದಿಷ್ಟು. ಯಾವ ತರಹ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿದ್ದೀರಿ ಎಂದರೆ ಪರಿಸ್ಥಿತಿಯ ಅರಿವೇ ಬಹಳ ದೂರವಾಗಿದ್ದು ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿರುವುದು ಸರಿಯಾದುದಲ್ಲ. ಅಧಿಕಾರ ವಿಕೇಂದ್ರೀಕರಣ ಎಂದು ಹೇಳುವಾಗ, ಎಲ್ಲವನ್ನೂ ಬಾಯಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದೀರೇ ಹೊರತು ಕಾರ್ಯದಲ್ಲಿ ಒಂದೂ ಇಲ್ಲ. ಪಂಚಾಯಿತಿಗಳನ್ನು, ನ್ಯಾಳೀಯ ಸಂಸ್ಥೆಗಳನ್ನು ಎಂದಾದರೂ ಹೊರಗೆ ಹಾಕಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಪ್ರತಿಯೊಂದನ್ನೂ ಮಾಡುತ್ತಿದ್ದೀರೆಂದು ಕಾಣುತ್ತದೆ. ಪಂಚಾಯಿತಿಗಳು ಇರಬೇಕಾಗಿದ್ದರೆ ಪೋಲೀಸು ಪಟೇಲರ ಅಧಿಕಾರವನ್ನು ಪಂಚಾಯಿತಿ ಚೇರ್‌ಮನ್‌ಗೆ ಕೊಟ್ಟು ಅವರ ಕೈಕೆಳಗೆ ಪೋಲೀಸಿನವರು ಏಕೆ ಬರಬಾರದು ? ಅದು ಯಾವುದಕ್ಕೂ ಅವಕಾಶವನ್ನೇ ಮಾಡಿಲ್ಲವೆಂದರೆ ತಮಗೆ ನಿಜವಾಗಿಯೂ ಪರಿಸ್ಥಿತಿಯ ಅರಿವು ಇಲ್ಲ, ಅಂಥ ಅರಿವಿನ ಮೇಲೆ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿಲ್ಲ. ಈ ಅಭ್ಯಾಸವಿದೆ ಎಂಬುದನ್ನು ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ನಾನು uncharitable ಆಗಿದ್ದರೆ ತಾವು ಪಂಚಾಯಿತಿ ರಾಜ್ಯವನ್ನು ತಲೆಕೆಳಕು ಮಾಡುತ್ತಿದ್ದೀರಿ ಎಂದು ಹೇಳಬಹುದಾಗಿತ್ತು. ಆದರೆ ನಾನು ಆ ರೀತಿ ಹೇಳುವುದಿಲ್ಲ. ಪೂರ್ಣವಾಗಿ ಯೋಚನೆ ಮಾಡಿ ತೀರ್ಮಾನ ಮಾಡಬೇಕಾದರೆ ಪರಿಸ್ಥಿತಿಯ ಅರಿವು ಅವಶ್ಯ. ಈ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸೂಚಿಸಿದ್ದೇನೆ.

ಪೋಲೀಸು ಖಾತೆ ಏಕೆ ಇರಬೇಕು, ಅದರ.....

Mr. SPEAKER.—I am not allowing that discussion as to whether there should or should not be Police ? The Hon'ble Members must kindly confine to the point because we are hard up for time.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ನಮ್ಮ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಈಗ ತಾನೇ ಹೇಳಿದರು. ರಾಜ್ಯವನ್ನು ಕಟ್ಟುವುದಕ್ಕೆ peace and order ಬೇಕು ಎಂದು. ಆ ದೃಷ್ಟಿಯಿಂದ ನಾವು ಯೋಚನೆ ಮಾಡಿದರೆ ಶಿಸ್ತಿನಿಂದ, ಸಂಘಟನೆಯಿಂದ ಕೆಲಸವಾಗಲಿ ಎನ್ನುವ ದೃಷ್ಟಿಯಿಂದ ಒಂದು ಕಾನೂನು ಮಾಡಬೇಕು. ಪೋಲೀಸಿನವರು ಎಲ್ಲಕ್ಕೂ ಇರಬೇಕು ಎನ್ನುವ ಪ್ರಯತ್ನವನ್ನು ಇದರಲ್ಲಿ ಮಾಡಿದ ಹಾಗೆ ನನಗೆ ಕಾಣುತ್ತದೆ.

ಇದರಲ್ಲಿ ಈಗಿನ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಏನು ಅನಿನುತ್ತದೆ ? ನೀವು ನಿಜವಾಗಿಯೂ ವಿಕೇಂದ್ರೀಕರಣವನ್ನು.....

Mr. SPEAKER.—May I suggest that the Hon'ble Members amendments are very good and clear ? By developing it, the Hon'ble member is taking away the efficacy of the argument.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ಆಡಳಿತ ಪಕ್ಷದವರು ಯಾವರೀತಿ ರಾಜ್ಯವಾಗಬೇಕೆಂದು ಹೇಳುತ್ತಾರೆ ಎಂಬುದನ್ನು ಯೋಚನೆಮಾಡಿ. ಆದ್ದರಿಂದ ಈಗ ಹೊಸ ತರಹ ಡಿಬೇಟ್ ಪುರುವಾಗಿದೆ. ತಾವು

ನಾನು ಹೇಳುವ ಚಿತ್ರವನ್ನು ತೆಗೆದುಕೊಂಡು ನೋಡಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ. ಪೋಲೀಸ್‌ನವರು ಜನತೆಗೆ ಸ್ನೇಹಿತರಾಗಿರಬೇಕು; ಶಾಂತಿ ಮತ್ತು ಶಿಸ್ತಿನಿಂದ ರಾಜ್ಯ ಕಟ್ಟುವುದಕ್ಕೆ ಹುರುಪುಮಾಡಿದಾಗ ಹಳ್ಳಿಯವರು ವಾರಕ್ಕೆ ಒಂದೆರಡು ಕ್ಲಾಸು P.C. ಇಂದ Rifle training ಕಲಿತು ಚೈನಾದವರು ನಮ್ಮ ಮೇಲೆ ಬಿದ್ದರೂ ಅವರೇ ಪುಡಿ ಪುಡಿಯಾಗುತ್ತಾರೆ; ನಮಗೆ ಯಾವ ತರಹದ ಅಪಾಯವೂ ಇಲ್ಲ. ಆದರೆ ಈಗ ಮಾಡಿರುವಂತೆ ಪೋಲೀಸಿನವರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟರೆ ನಿಜವಾಗಿಯೂ ನಮಗೆ ಪಂಚಾಯ್ತಿ ರಾಜ್ಯದಲ್ಲಿ ನಂಬಿಕೆ ಇದೆ ಎಂಬುದನ್ನು ತೋರಿಸುತ್ತದೆಯೇ ಎಂದು ಕೇಳಬೇಕಾಗುತ್ತದೆ? ಆ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಹೇಳುವುದು ಇಷ್ಟೆ. ಪಂಚಾಯ್ತಿ ಚೇರ್ಮನ್ ಅವರನ್ನು ಪೋಲೀಸ್ ಪಟೇಲನನ್ನಾಗಿ ಮಾಡಿ ಅತನ ಕೈ ಕೆಳಗೆ ಪೋಲೀಸ್‌ನವರನ್ನು ಕೊಟ್ಟು ಅವರಿಗೆ ಕೊಡಬೇಕಾದ ಸಂಬಳ ಸಾರಿಗೆಗೆ ಹಣವನ್ನು ಪಂಚಾಯ್ತಿ ಚೇರ್ಮನ್ ಫಂಡ್‌ಗೆ ಕೊಟ್ಟರೆ ಆಗ ಪಂಚಾಯ್ತಿಯಲ್ಲೂ ಹಣ ಇರುತ್ತದೆ-ಬೇಕಾದ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ಸಹ ಮಾಡಬಹುದು. ಇಲ್ಲದೇ ಇದ್ದರೆ ಪಂಚವಾರ್ಷಿಕ ಯೋಜನೆಗಳನ್ನು ಹಾಕಿಕೊಂಡು ಪೋಲೀಸ್‌ನವರನ್ನು ಜಾಸ್ತಿ ಮಾಡಿಕೊಂಡು ಹಳ್ಳಿ ಹಳ್ಳಿಗೆ ಪೋಲೀಸ್‌ನವರನ್ನು ಕೊಡಿ ಎಂದರೆ ಎಲ್ಲಿಂದ ಹಣಕೊಡುವುದು? ಯೋಜನಾ ಕಾರ್ಯಗತಕ್ಕೆ ಹಣವೆಲ್ಲಿ! ನಿಮಗೆ ನಮಾಜವಾದಿಗಳ ಸಂಪರ್ಕ ಇದೆಯೇ? ನಮಾಜವಾದಿಯಾದ ನನ್ನಂಥವನೊಬ್ಬ ನನ್ನು ಕೊಂದುಹಾಕಿ ಬಚಾಯಿಸಿಕೊಳ್ಳುತ್ತೇವೆ ಎಂದರೆ.....

Mr. SPEAKER.—I will not allow any of the Members to be dealt with like that. Hon'ble Members are safe in my hands.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ನಮ್ಮ ಅಧ್ಯಕ್ಷರು ನನ್ನ ಕಡೆಗೆ ಸೇರಬೇಕೆಂದರೂ ಸಾಧ್ಯವಿಲ್ಲ. ಇಂಥ ಅನಾಗರಿಕ ಕಾಡು ಮನುಷ್ಯರ ವರ್ತನೆ ಮಾಡಿದರೆ ಹೇಗೆ? ಮುಖ್ಯವಾದ ಅಂಶವೆಂದರೆ ಇದರಿಂದ ಯಾವ ಗುರಿಮುಟ್ಟುತ್ತೇವೆ ಎಂಬುದನ್ನು ತಾವು ನೋಡಿ. ನಿನ್ನೆಯ ದಿವಸ ಅಧ್ಯಕ್ಷರು ಓಟಿಗೆ ಹಾಕಿದಾಗ ಮಿನಿನ್ಟರು ಒಬ್ಬರೇ ಏಯ್ ಎಂದರು. ಇನ್ನಾರಾದರೂ ಬಾಯು ಬಿಟ್ಟರೇ? ಕಾಂಗ್ರೆಸ್ ಪಾರ್ಟಿ ಬೆಂಬಲ ಇದಕ್ಕೆ ಇದೆ ಎಂದು ಹೇಳೋಣವೇ ಇಲ್ಲ ಎಂದು ಹೇಳೋಣವೇ? This Bill has not got the sanction of the congress legislative party.

Mr. SPEAKER.—If Hon'ble member is indulging in what happened the other day and wasting the time of the House; I cannot allow this.

ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ಇದರಿಂದ ಮನುಷ್ಯರ ಮನಸ್ಸಿನ ಮೇಲೆ ಎಂಥ ಪರಿಣಾಮವಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಸೂಕ್ಷ್ಮವಾಗಿ ತಾವು ನಿರೀಕ್ಷಿಸಬೇಕು. ಓಟಿಗೆ ಹಾಕಿದಾಗ ಕಾಂಗ್ರೆಸ್ಸಿನವರು ಇಲ್ಲಿ ಇಲ್ಲದೇ ಬಾತ್ ರೂಮಿಗಾದರೂ ಹೋದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ ಎಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ. ಆರೀತಿ ಮಾಡುವುದಕ್ಕೂ ಕೂಡ ಅವರಿಗೆ ಸಾಧ್ಯವಿಲ್ಲ ಏಕೆಂದರೆ ಅವರು ಪಾರ್ಟಿ ಶಿಸ್ತನ್ನು ಅನುಸರಿಸಬೇಕಾಗುತ್ತದೆ. ರಾಜಕೀಯವಾಗಿ ಇದರ ಲೆಕ್ಕಾಚಾರ ಏನಾಗುತ್ತದೆ ಎಂದರೆ ಜನತೆಯಲ್ಲಿ ಇದರಿಂದ ತುಂಬಾ ಅಶಾಂತ ಪರಿಸ್ಥಿತಿಯುಂಟಾಗುತ್ತದೆ. ಎರಡನೆಯದಾಗಿ ಇದರ ಕಾರ್ಯಕರ್ತವ್ಯಗಳಾದ ಗೃಹ ಮಂತ್ರಿಗಳು ಮತ್ತು ನ್ಯಾಯಾಂಗ ಮಂತ್ರಿಗಳು ಯಾರಿದ್ದಾರೆ ಇವರನ್ನು ನೋಡಿದರೆ ಇವರಿಗೆ ಜನಸಂಪರ್ಕ ಇಲ್ಲವೇನೋ ಎಂದು ಅನಿಸುತ್ತದೆ-ಈ ಕಡೆ ನೋಡಿದರೆ ಕಾಂಗ್ರೆಸ್ ಲೆಜಿಸ್ಲೇಚರ್ ಪಾರ್ಟಿ ಬೆಂಬಲ ಕೂಡ ಇಲ್ಲ. ಅವರೇನೋ ಕಟ್ಟು ಕಾಯಿದೆಗೆ ಒಳಪಟ್ಟು ಇವರು ಹೇಳಿದ್ದಕ್ಕೆ 'ಹೂ' ಅನ್ನುತ್ತಾ ಇದ್ದಾರೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಡಿಸಲ್ಯೂಷನ್ ಆಗುವುದಕ್ಕೆ ಇದು ಕಾರಣವಾಗುತ್ತದೆಯೇ ಹೊರತು ಸ್ಪಬಲಟಿಯಿಂದ ಸಮಾಜವಾದ ತತ್ವಕ್ಕೆ, ಮೈನೂರಿನ ನ್ಯಾಯಕತ್ವಕ್ಕೆ, ಅಲ್ಲದೇ ಇಡೀ ಭಾರತಕ್ಕೇ ಇದು ಮಾದರಿಯಾಗುತ್ತದೆಯೇ ಎಂದರೆ ಇದರಲ್ಲಿ objective condition ಇದ್ದರೂ subjective condition ಇಂದ ಹಾಳು ಮಾಡುತ್ತಾ ಇದ್ದಾರೆ. ಇದನ್ನು ಜನಗಳು ಅಳವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ನಮಸ್ಕಾರ.

Mr. SPEAKER.—Is the Hon'ble Minister accepting the amendment?

†Sri R. M. PATIL.—So far as the amendment is concerned, it is incongruous. If the Village Panchayet Chairman is a person who is elected from the public, such an elected person cannot be vested with these powers and as such it is incongurous and so far as the arguments advanced by my learned friend are concerned, in all humility, I must submit, Sir, everything that he said, is irrelevant.

Mr. SPEAKER.—I am putting the amendment: The question is:

"That for clause 132 the following shall be substituted:

"The Village Police shall be under the authority of the Village Panchayat and the Chairman of the Village Panchayat shall be the Police Patel who shall work under the directions of the District Magistrate."

The amendment was negatived.

Mr. SPEAKER.—I will now put the clause to the vote of the House. The question is:

Sri V. M. DEO.—I press for a division Sir.

Mr. SPEAKER.—I have not put the question as yet. The question is:

"That clause 132 stand part of the Bill."

The Motion was adopted.

Clause 132 was added to the Bill.

CLAUSE 133.

Sri G. V. GOWDA.—Sir, I beg to move:

"That in item (iv), between the words "police officer" and "semicolon", the words "not below the rank of a sub-inspector of police" shall be inserted."

"That in item (v) between the words, "Police Officer" and the word "information", the words, "in charge of a Police Station" shall be inserted."

Mr. SPEAKER.—Amendment, moved:

"That in item (iv), between the words "Police Officer" and "Semicolon" the words "not below the rank of a sub-inspector of police" shall be inserted."

"That in item (v), between the words "Police Officer" and the word "information", the words in charge of a Police Station" shall be inserted."

Sri G. V. GOWDA.—Sir, just now I heard that the Hon'ble Home Minister was saying that because the Village Panchayet Chairman has an elected person, he could not be vested with these powers. We do not know who is the type of person who is to be appointed as police patel. I understand that it will be a person who is held in high esteem that will be appointed as police patel. Such being the case, he is not a regularly paid servant. We cannot therefore expect him to obey and execute all orders issued to all police officers. Because as has been definied in this Bill, the police officer includes a police constable also. If it is the order of a magistrate, he is bound to obey or even if it be the orders of a police officer not below the rank of a sub-inspector, he will obey. When the police patel is a person who is expected to be a person

(SRI G. V. GOWDA)

of self-respect in the village, he should not be expected to execute and obey orders issued by the police constable. With that intention I have brought this amendment.

Secondly, item (v) of clause 133 states:

"collect and communicate to the Police Officer information affecting the public peace";

He has to collect and communicate the information leading to the commission of an offence or affecting the public peace of the villages and he has to take necessary action.

Unless this information is sent to an officer who is incharge of the police station, I do not think there will be any effect. If some information is sent to the Police patel, I do not think it will have any effect. What I want is that the information must be sent to the person who is in charge of the police station. Let the officer be even a police constable.

Sri R. M. PATIL.—These amendments are not necessary.

Mr. SPEAKER.—The question is:

"That in item (iv), between the words 'Police Officer' and 'Semicolon' the words "not below the rank of a Sub-Inspector of Police" shall be inserted."

"In item (v), between the words 'Police Officer' and the word 'information' the words 'in charge of a Police Station' shall be inserted."

The amendment was negatived.

Mr. SPEAKER.—I shall now put the clause to vote. The question is:

"That clause 133 stand part of the Bill."

The motion was adopted.

Clause 133 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 134 to 140, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 134 to 140, both inclusive, were added to the Bill.

Mr. SPEAKER.—For Clause 141, there is an amendment.

Sri G. V. GOWDA.—Sir, I beg to move:

"That in sub-clause (1), in line 4 for the words 'within twenty-four hours of such arrest' the words 'immediately after such arrest' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (1), in line 4 for the words 'within twenty-four hours of such arrest' the words 'immediately after such arrest shall be substituted."

†Sri G. V. GOWDA.—The Hon'ble Minister knows that whenever person is arrested by a police officer, he is to be produced before a Magistrate within 24 hours. There are no two opinions so far as that statement is concerned. Here, under clause 141, even a police patel can arrest; he also countes with the picture. According to clause 141, after the arrest effected by a police patel he is being given a time of 24 hours.

"It shall be lawful for the Police Patel to arrest any person within the limits of his village, who, he may have reason to believe has committed an offence for which a Police Officer may arrest without warrant and to forward such person within twenty-four hours of such arrest, together with all articles likely to be useful as evidence to the officer in charge of the police station within whose local jurisdiction the village is situated."

The village patel after effecting the arrest can send the accused person to the Police Station within 24 hours and when is he to be produced before a Magistrate? It offends the provisions of the Criminal Procedure Code because whenever a person is arrested, he is to be produced before a Magistrate within 24 hours excluding the time needed for the journey. If you give 24 hours to the police patel and if the police officer takes another 24 hours, it violates that principle. Therefore, I am submitting, immediately after such arrest, let the police patel forward the accused person to the officer in charge of the police station and let the accused person be produced before a Magistrates within 24 hours of such arrest. With that object in view, I move the amendment. I hope the Hon'ble Minister will appreciate the intention.

Sri R. M. PATIL.—I oppose the amendment because it is not practicable.

Mr. SPEAKER.—I will put the amendment to vote. The question is:

"That in sub-clause (1), in line 4 for the words 'within twenty-four hours of such arrest' the words 'immediately after such arrest' shall be substituted."

The amendment was negatived.

Mr. SPEAKER.—I shall now put the clause to vote. The question is :

"That clause 141 stand part of the Bill."

The motion was adopted.

Clause 141 was added to the Bill.

Mr. SPEAKER.—The question is :

"That clauses 142 to 151, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 142 to 151, both inclusive, were added to the Bill.

Sri G. V. GOWDA.—I beg to move an amendment to clause 152 :

"That in sub-clause (2), the words 'even though the use of such force may involve risk of death of the worng doer or the assailant or any other person assisting such worng doer or assailant," occurring at the end shall be deleted."

Mr. SPEAKER.—Amendment moved :

"That in sub-clause (2), the words 'even though the use of such force may involve risk of death of the worng doer or the assailant or any other person assisting such wrong doer or assailant," occurring at the end shall be deleted."

Sri G. V. GOWDA.—I under sub-clause (2) of clause 152 :

"....a Reserve Police Officer may, when there is a reasonable apprehension of assault on himself or any Reserve Police Officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary to prevent the commission of such an offence, assault or causing damage to the property-...."

Even the Hon'ble Minister knows that as a measure of self-defence, one is entitled to use such as is reasonably necessary. That is what is contemplated under the Code. Therefore using force which is not at all reasonable, may violate this principle. With that object in view I am submitting that we should see that such force as is necessary and reasonable for the purpose of preventing the commission of an offence or doing anything wrong is taken, not force that may even be more than what is reasonably necessary. If it is reasonably necessary, let them use it. Otherwise, they should not be allowed or empowered to use such force which is not reasonably necessary.

Sri R. M. PATIL.—I am not accepting the amendment.

Mr. SPEAKER.—I am putting the amendment to vote. The question is:

"That in sub-clause (2), the words even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant," occurring at the end shall be deleted."

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That clause 152 stand part of the Bill."

The motion was adopted

Clause 152 was added to the Bill.

Mr. SPEAKER.—The question is:

"That clauses 153 to 159, both inclusive, stand part of the Bill.".

The motion was adopted.

Clauses 153 to 159, both inclusive, were added the Bill.

Mr. SPEAKER.—With regared to amendment to sub-clause (1) to clause 160, I do not think it is necessary.

Sri B. R. SUNTHANKAR.—I am not moving it.

Mr. SPEAKER.—I will put all the remaining clauses. The question is:

"That clauses 160 to 179, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 160 to 179, both inclusive, were added to the Bill.

Mr. SPEAKER.—Schedules I to IV. The question is:

"That Schedules I to IV, both inclusive stand part of the Bill."

The motion was adopted.

Schedules I to IV were added to the Bill.

Mr. SPEAKER.—With respect to the Preamble, the amendment tabled is not admissible. Clause 1, the Title and the Preamble. The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the title and the preamble were added to the Bill.

Motion to pass.

Sri R. M. PATIL.—Sir, I move;

"That the Mysore Police Bill 1962, as reported by the Joint Select Committee, and as amended, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Police Bill, 1962 as reported by the Joint Select Committee, and as amended, be passed."

The motion was adopted.

3-00 P.M.

MYSORE BHOODAN YAGNA BILL, 1963

as passed by Legislative Council

Motion to consider.

Sri M. V. KRISHNAPPA (Minister for Revenue).—Sir, I beg to move:

"That the Mysore Bhoodan Yagna Bill, 1963, as passed by the Legislative Council, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Bhoodan Yagna Bill, 1963, as passed by the Legislative Council, be taken into consideration."

†ಶ್ರೀ ಎಂ. ವಿ. ಕೃಷ್ಣಪ್ಪ.—ಸ್ವಾಮೀ, ಇದೊಂದು ಬಹಳ ಉಪಯುಕ್ತವಾದ ಬಿಲ್ಲು. ಇದು ಬಹಳ ಕಾಲದ ಹಿಂದೆಯೇ ಶಾಸನವಾಗಬೇಕಾಗಿತ್ತು. ಈಗ್ಗೆ ಐದಾರು ವರ್ಷಗಳ ಹಿಂದೆಯೇ ಈ ಬಿಲ್ಲು ಬರಬೇಕಾದ ಪ್ರಮೇಯವಿತ್ತು. ಕಾರಣಾಂತರಗಳಿಂದಾಗಿ ಈ ಬಿಲ್ಲು ಆಗ ಬರಲು ಅವ ಕಾಶವಿಲ್ಲದೆ ಈಗ ನಮ್ಮಮುಂದೆ ಬಂದಿದೆ. ಈಗಾಗಲೇ ಈ ಬಿಲ್ಲು ವಿಧಾನ ಪರಿಷತ್ತಿನಲ್ಲಿ ಪಾಸಾಗಿ ಇಲ್ಲಿಗೆ ಬಂದಿದೆ. ಈ ಬಿಲ್ಲಿನ ಉದ್ದೇಶವಿಷ್ಟೇ. ಶ್ರೀ ವಿನೋಬಾಜಿಯವರ ನೇತೃತ್ವದಲ್ಲಿ ಹಿಂದೂ